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14 Attorneys for Defendants  
15 HOBBY LOBBY STORES, INC.

16 UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA  
18 WESTERN DIVISION

19 SEAN GORECKI,  
20 Plaintiff,  
21

22 v.  
23 HOBBY LOBBY STORES, INC. an  
24 Oklahoma corporation, and DOES 1-  
25 10, inclusive,

26 Defendants.

27 CASE NO. 2:17-CV-01131 JFW (SKx)  
28 **JOINT STATEMENT REGARDING  
LOCAL RULE 7-3 CONFERENCE**

1                   NOW COME Plaintiff SEAN GORECKI (“Plaintiff”) and Defendant  
 2 HOBBY LOBBY STORES, INC. (“Defendant”) (collectively referred to as “the  
 3 Parties”), by and through the undersigned counsel and hereby respectfully submit  
 4 the following Joint Statement:

5                   1. On April 4, 2017, counsel for Defendant, Stephen G. Larson, sent a  
 6 meet and confer letter regarding the substance of Defendant’s proposed Motion to  
 7 Dismiss Plaintiff’s Complaint.

8                   2. On April 7, 2017, counsel for Defendant, Stephen G. Larson and  
 9 Emilie J. Zuccolotto, engaged in a telephonic conference with counsel for Plaintiff  
 10 Michael J. Manning and Tristan P. Jankowski regarding the April 4, 2017 letter.  
 11 This phone call lasted approximately 25 minutes, during which the parties  
 12 discussed the substance of all three grounds Defendant raised in its letter: (1)  
 13 HobbyLobby.com is not a place of public accommodation subject to Title III ADA  
 14 regulation; (2) imposing liability for failing to abide certain guidelines (WCAG 2.0  
 15 Guidelines), when such guidelines have not been adopted by the U.S. Department  
 16 of Justice—the governmental entity charged with administrative rulemaking under  
 17 the ADA—would violate Defendant’s due process rights; and (3) Plaintiff failed to  
 18 satisfy Federal Rule of Civil Procedure Rule 8 pleading requirements because he  
 19 did not identify an actual barrier that he encountered on HobbyLobby.com.

20                   3. During this phone conference, Plaintiff indicated that he would file an  
 21 amended complaint that would resolve only one of the three grounds upon which  
 22 Defendant intended to move. Both parties recognized their disagreement with  
 23 respect to the remaining two points.

24                   4. Plaintiff filed a First Amended Complaint on April 7, 2017, which  
 25 addressed one of the concerns outlined in the April 4, 2017 letter.

26                   5. Finding that deficiencies remained in Plaintiff’s amended pleading, on  
 27 April 13, 2017, counsel for Defendant, Stephen G. Larson, sent Plaintiff a second  
 28 meet and confer letter, repeating its first and second argument initially raised in

1 response to the original complaint. Defendant further explained that by removing  
2 the WCAG 2.0 Guidelines by name did not cure the due process problems that  
3 plagued Plaintiff's initial pleading. Rather, it exacerbated the issue: instead of  
4 identifying guidelines established by a private, non-governmental entity, Plaintiff  
5 was now seeking to impose unknown, unspecified, and undefined guidelines, which  
6 is an even more egregious due process violation.

7 6. In response to that letter, counsel for Defendant, Emilie J. Zuccolotto  
8 and Ariana E. Fuller, engaged in another telephone conference with counsel for  
9 Plaintiff, Caitlin J. Scott, on April 19, 2017, which lasted approximately 25  
10 minutes. At the end of the telephone conference, the Parties agreed to disagree with  
11 respect to the arguments presented in Defendant's letter.

12 7. After this phone call, however, Defendant ultimately decided to forego  
13 its first argument that HobbyLobby.com is not subject to Title III ADA regulation,  
14 determining that it is an issue best suited for a motion for summary judgment,  
15 rather than a motion to dismiss.

16 8. Due to the Parties irreconcilable positions regarding whether  
17 Plaintiff's action seeks a remedy in violation of Defendant's due process rights,  
18 Defendant will file its Motion to Dismiss the First Amended Complaint.

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1  
2 Dated: April 21, 2017  
3

**MANNING LAW, APC**

4 By:/s/ Caitlin J. Scott  
5 Joseph R. Manning, Jr., Esq.  
6 Michael J. Manning, Esq.  
7 Caitlin J. Scott, Esq.  
Tristan P. Jankowski, Esq.

8 Attorneys for Plaintiff  
SEAN GORECKI

9 Dated: April 21, 2017  
10

**LARSON O'BRIEN LLP**

11 By:/s/ Stephen G. Larson  
12 Stephen G. Larson  
13 Robert C. O'Brien  
14 Emilie J. Zuccolotto  
Ariana E. Fuller

15 Attorneys for Defendant  
HOBBY LOBBY STORES, INC.

## **Certification Pursuant to Local Rule 5-4.3.4(a)(2)(i)**

Pursuant to Local Rule 5-4.3.4(a)(2)(i), signatories hereby do attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: April 21, 2017

# LARSON O'BRIEN LLP

By:/s/ Stephen G. Larson  
Stephen G. Larson  
Robert C. O'Brien  
Emilie J. Zuccolotto  
Ariana E. Fuller

Attorneys for Defendant  
**HOBBY LOBBY STORES, INC.**